INQUIRY INTO POUNDS IN NEW SOUTH WALES

Organisation:

Animal Liberation NSW

Date Received: 23 August 2023



POUNDS IN NEW SOUTH WALES

AN ANIMAL LIBERATION SUBMISSION

Acknowledgement of country

We acknowledge the Traditional Owners of country throughout Australia.

We acknowledge that this document was prepared on land stolen from and never ceded by the Gadigal People.

We pay our respects to their Elders, past, present and emerging.



DOCUMENT DETAILS

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Prepared by Lisa J Ryan and Alex Vince.

ABOUT ANIMAL LIBERATION

Animal Liberation has worked to permanently improve the lives of all animals for over four decades. We are proud to be Australia's longest-serving animal rights organisation. During this time, we have accumulated considerable experience and knowledge relating to issues of animal welfare and animal protection in this country. We have witnessed the growing popular sentiment towards the welfare of animals, combined with a diminishing level of public confidence in current attempts, legislative or otherwise, to protect animals from egregious, undue, or unnecessary harm. Our mission is to permanently improve the lives of all animals through education, action, and outreach.

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Animal Liberation acknowledges the collaborative efforts of other likeminded organisations and individuals, and the significant contributions made in particular by volunteer, self-funded rescue, rehabilitation and rehoming groups and foster carers, and those who have provided support, including moral or legal support when and where required.

We also wish to acknowledge all animal advocates and activists, bloggers, and credible media who have bravely spoken out to help expose the appalling treatment of impounded animals, the lack of compliance, the killing, and the lack of transparency and accountability, as a result of NSW's broken pounds and shelters system, and the ongoing failures by successive NSW State Governments.

While we understand the common reluctance by many rescue groups and individuals to speak out about what they witness and experience, we strongly contend that remaining silent only places at risk, the next animal, to a similar or worse fate; and 'enables' the cycle of animal suffering and killing to continue unchallenged and unabated.

Allowing any Council pound or shelter to 'barter' with the lives of animals, by threat or intimidation that future animals will be withheld unless you 'tow the line' and remain passive and 'gagged', does not help animals or progressive animal welfare. Rather, remaining passive enables the ongoing wrongdoing, and diminishes necessary transparency and accountability with adherence to animal welfare, wellbeing and protection legislation, compliance of publicly funded infrastructure, and meeting public expectations.

We also reflect, with immense sadness, the many animals who have suffered, have been killed or have died in NSW pounds and shelters, because of a largely indifferent government and entrenched levels of apathy towards animal welfare and wellbeing.

OFTEN, THE GREATER OUR IGNORANCE ABOUT SOMETHING THE GREATER OUR RESISTANCE TO CHANGE

MARC BEKOFF

18 August 2023



Committee Secretary Portfolio Committee No. 8 - Customer Service Parliament of New South Wales 6 Macquarie Street SYDNEY NSW 2000

Via email: portfoliocommittee8@parliament.nsw.gov.au.

We present this submission on behalf of Animal Liberation.

Animal Liberation is grateful for the opportunity to respond to, and provide informed and considered commentary, to the Portfolio Committee No. 8 - Customer Service ('the Committee'), in response to the Pounds in New South Wales Inquiry and the Inquiry's Terms of Reference ('ToR').

Animal Liberation has been campaigning on NSW Pound and Shelter Reform for a lengthy period of time, and accordingly, we are pleased to see the establishment of this important and long overdue Inquiry. We are however concerned that the Inquiry and the applicable ToR has been limited to council pounds, and fails to include private and public shelters.

Given the large volume of animals who pass through NSW shelters, and the corresponding kill rates and adoption rates, we believe an Inquiry which only considers council pounds, (half of the 'picture'), will ultimately result in only half the evidence, findings, recommendations and solutions. Similarly, the lack of shelter inclusion means we are only considering and representing a percentage of impounded animals and failing to include other species of impounded animals who are rescued or killed, or who die in the pound, in addition to companion animals. This restrictive and limited approach will fail animals, the NSW public, and we are concerned will not enable progressive and meaningful reform.

Given government Inquiries are paid for by the public, it is our view the NSW public are entitled to expect comprehensive and robust Inquiries which demonstrate a genuine endeavour to develop meaningful and progressive policy reform and legislation. There can be no doubt of the much-increased public interest and heightened expectations in regards to progressive reform, as it applies to animal welfare and wellbeing.

Animal Liberation's NSW Pound and Shelter Reform petition includes signatures of more than 5,903 individuals who support our 15 point plan calling for pound and shelter reform in NSW. **A copy of Animal Liberation's petition is Tabled as Appendix 1**.

We are very familiar with the turbulent and frequently abhorrent history of pound and shelter reform across NSW, Australia, and around the world. Our submission has endeavoured to objectively balance this history with due consideration of the Inquiry's endeavours to seek information and testimony, to inform the Committee's findings, report and recommendations.

We have reflected with much sadness and disappointment the numerous exposures, investigations, public funded inquiries; and subsequent findings, reports and recommendations resulting in limited 'reactive' government and industry reforms, which have not translated into meaningful or substantive improved pound and shelter animal welfare, and/or heightened integrity within the NSW pound and shelter space.

Too often when it comes to the egregious and often hidden or ignored suffering of animals, neglect and cruelty, we are spoon fed the narrative of "a few bad apples" or "an isolated incident". In this submission, Animal Liberation will demonstrate that the issues impacting impounded animals and local communities have been widespread, rampant, systemic, and abhorrent. The evidence presents as a damming indictment of the failures of successive NSW State Governments.

Where warranted, our submission also includes relevant comments and recommendations for the Committee's consideration where we believe further improvements can be achieved or facilitated. We have included objective and reflective responses and commentary in response to the ToR, in addition to our own experience and knowledge, and consideration of contemporary public views and expectations, founded on critical and evidenced-based thinking.



Left: eight newborn cattle dog pups in Coonamble Shire Council pound. Seven puppies died (we expect from hypothermia). The surviving puppy died during transport to a rescue group with the mother dog. Source: Facebook.

Middle: a cat (described as friendly and desexed) in a clearly non-compliant cage in a Western NSW Council pound – sitting on wire and dirt, no obvious protection or shelter, no litter tray, feed or water. Source: Facebook.

Right: cat cages at Cowra Shire Council situated in a small shed with almost no ventilation and minimal natural light due to one small window. Freezing in winter and excessively hot in summer. Source Facebook.

The examples and case studies referred to in Animal Liberation's submission are the 'tip of the iceberg', and sadly illustrate only a selection of incidents to demonstrate the inherent and systemic culture and issues which have festered and continue to fester across and within many NSW Council pounds and shelters. There can be no doubt that behind the walls of NSW pounds and shelters, the animal suffering is real, that animal cruelty has and does occur, and that these examples are only a conservative snapshot of those that we are aware of, with many other examples and incidents undetected.

We contend the NSW State Government, Local Government Councils, and those who run and manage shelters have been given more than sufficient time to proactively regulate and reform the management and operations of NSW Council pounds and shelters; and have repeatedly failed to do so, or protect the welfare and wellbeing of impounded animals.

For those Committee Members who may hold the view that all NSW Councils are doing wonderful work, as we heard during the NSW Parliament discussions relating to the *Companion Animals Amendment (Rehoming Animals) Act 2022*, the earlier images 1, 2, and 3 detail very recent examples of the non-compliant and cruel housing of animals in NSW Council pounds.

Animal Liberation will continue to actively campaign to reform publicly funded NSW pounds and shelters, and expose non-compliant pounds and shelters where animals are suffering, and where the operators refuse to engage or collaborate in a professional manner. It's time for those who defend and excuse the killing to get out of the way, because the rest of us have important work to do.

We thank the Committee Members in advance for their objective consideration of Animal Liberation's submission.

Lisa J Ryan Regional Campaigns Manager

Alex Vince

Campaign Director

Nadia Kiternas

Digital and Social Media Strategist



SECTION ONE FOREWORD AND PREAMBLE

SECTION ONE

FOREWORD

In society we generally uphold and willingly support facilities which cater for victims of domestic violence, the homeless, the marginalised, and those impacted or at risk from emergency management events. We consider facilities like hospitals and special needs facilities, orphanages and nursing homes as essential services. In the same light, safe, compassionate and best practice facilities are essential services for lost, homeless, sick, injured, disabled, un-weaned, senior, behaviorally challenged and special needs animals, and their human care providers.

Society demands that all such essential services must be founded on best practice management and operational practices, are transparent, include strict regular oversight, accountability, enforcement and enable public access and input.

It is important to note that essential services are normally publicly funded facilities, either entirely or in part, as is the case with NSW council pounds and shelters, and are all to varying extents, publicly accountable through legislation and Ministerial and/or agency oversight.

THE NSW STORY AND STATUS

Being killed in an animal pound or shelter is the leading cause of death for companion animals in Australia, and NSW is notoriously deficient in fulfilling its statutory obligation towards impounded animals and the communities in which these publicly funded Council pounds and shelters are situated.

THE FALSEHOOD OF 'UNWANTED': MISLEADING AND DECEPTIVE LABELS

While a percentage of animals in pounds and shelters are surrendered, abandoned or seized, many are simply lost, and the majority can be, or need to be, reunited with their human family. Many are not "unwanted" or "abandoned" - they are more accurately lost or homeless and hidden. Those which are not reclaimed, are in the majority of instances, healthy, loving and adoptable animals.

CONVENIENCE KILLING: EXCUSED, JUSTIFIED, IGNORED, HIDDEN OR DELAYED

Being killed in an animal pound or shelter is the leading cause of death for companion animals in Australia, and NSW is not exempt; with NSW often described as having the most "craptastic" pounds in the country.

TRADITIONAL ANIMAL SHELTERING MODELS VS. PROGRESSIVE PRACTICES IN LINE WITH COMMUNITY EXPECTATIONS AND GLOBAL ADVANCEMENTS

Most councils in Australia still run traditional animal sheltering models, managing pets

under 'waste management' or 'feral pest management' departments, and focus on offloading and disposal rather than care. The details of animal management processes and procedures are either non-existent or often hidden from public view, so it's little wonder pet lovers and human guardians tend to know very little about this huge and festering problem.

OFFLOADING OR ADOPTING OUT A FEW AND KILLING THE REST

Most current NSW pounds and shelters have deliberately shielded the public from the factual realities of their operations, and have convinced the rest of the population that the local community is to blame, and that change is possible only at the margins.

Failed attempts to legislate, shift policy direction, educate and coercively sterilise the nation out of its presumed pet over-population problem, government policies have been founded, reinforced and justified on twin (and false) premises: that there are too many companion animals to be absorbed into proper homes, and that the public can be and should be harangued into more responsible care of its pets. This has led to the ongoing approach of "adopting out a few and killing the rest" of their unlucky tenants, while blaming an apparent indifferent public for their thankless task.

BUSTING THE MYTHS OF OVERPOPULATION AND THE DEFECTIVE ARGUMENTS DESIGNED TO MAINTAIN THE STATUS QUO

For too many years, the killing of thousands of animals in our pounds and shelters has been justified on the basis of a supply/demand imbalance. We've been told that there are just "too many animals and not enough homes." In other words, pet overpopulation. We are expected to accept non-compliant council pounds as OK because the Council is struggling financially, yet we see millions of dollars in public money given to animal racing ventures to prop up animal exploitation and the gambling industry.

In the end, killing is occurring in our pounds and shelters not because there are too many animals, but because killing is easier (convenient) and more economic than doing what is necessary to replace it.

The reduction in pound and shelter killing has only come about because of the rise in public awareness, largely due to animal advocates and activists, and the work of rescue groups. It has not come about from any proactive or progressive government initiatives, in spite of government's attempts to claim otherwise.

EVIDENCE, CHANGING THE NARRATIVE, OPENING MINDS AND PROGRESSIVE LEADERSHIP

A genuine commitment to animal welfare and wellbeing requires an honest assessment of reality and the genuine and real threats which animals entering pounds and shelters face. Analysing the validity of historical claims used to justify the systematic killing of thousands of animals should not be a sophomoric exercise in rhetoric or debate, but a serious discussion that seeks to inform and influence our positions and actions on behalf of animals in a responsible, thoughtful and fact-based way.

Animals continue to be killed in pounds and shelters because of a failure by those who manage these facilities to employ effective solutions.

THE COMMON PATH OF DEFLECTION, DECEPTION, RESISTANCE AND SMEARING THE MESSENGER

The 2017 novel authored by Stan Grant, journalist, author and advocate titled *Talking to My Country*, makes reference to the Australian anthropologist W.E.H Stanner and his 1960's writings about 'indifference' and the impact of colonisation. Stanner's Boyer lectures referred to Indigenous powerlessness, homelessness, dependence and poverty. These things he said, produce a syndrome of inertia, non-responsiveness and withdrawal.

So too can we similarly refer to a 'syndrome of inertia, non-responsiveness and withdrawal' as it applies to attempts to overhaul the NSW pound and shelter system, and the concerted efforts by many to instigate awareness, change and reform.

NEVER, NEVER BE AFRAID TO DO WHAT'S RIGHT ESDECIALLY IF THE WELL BEING

ESPECIALLY IF THE WELL-BEING OF A PERSON OR AN ANIMAL IS AT STAKE.

SOCIETY'S PUNISHMENTS ARE SMALL COMPARED TO

THE WOUNDS WE INFLICT ON OUR SOULS WHEN WE LOOK THE OTHER WAY.

MARTIN LUTHER KING JR.



EXECUTIVE SUMMARY

SECTION TWO

SECTION TWO

EXECUTIVE SUMMARY

- 2.1 NSW pound and shelter reform issues with kill rates, physical infrastructure, a lack of live-saving policies, practices and processes and inadequate community engagement, is an Australia wide problem. It is however our informed view that NSW demonstrates the worst ratings across these categories.
- 2.2 The NSW State Government, has ongoing, been made aware of the broad and entrenched issues with NSW pounds over decades, and has ongoing, ignored these issues and failed to thoroughly investigate and/or address these issues with completely inadequate actions or reforms. At best, the NSW Government has paid 'lip service' to these issues with reactive rather than proactive responses.
- 2.3 That this Inquiry limiting its review to only include Council pounds and companion animals will substantially restrict and hamper the opportunity to all the pound and shelter issues, the Committee's findings, report and recommendations. This in turn will minimise possible benefits not only to all impounded animals, but the broad NSW public as well.
- 2.4 Memorandums of Understanding between the NSW Office of Local Government (NSW OLG) and other agencies and organisations such as the NSW State Ombudsman and others fail to allow and enable independent, effective or meaningful investigations or solutions, and invariably lead to increased frustration by the NSW public.
- 2.5 The 'self-governing' status of NSW Local Government Councils frequently fails to allow independent, robust, effective or meaningful investigations or solutions in respect to NSW pound and shelter issues and animal suffering.
- 2.6 That a common response and tactic employed by Council pounds and shelters when questioned, challenged or exposed regarding their performance or practices, is to deflect and smear the messenger.
- 2.7 That successive NSW State Governments and responsible Ministers (Local Government and Agriculture) have wasted vast amounts of public money in a reactive rather than proactive manner, when considering or reviewing the operation, management and performance of Council pounds and shelters and the inherent associated issues.
- 2.8 That in spite of the global outpouring of public distress and anger following the shooting of dogs and puppies at Bourke Shire Council, neither the former NSW State Government or the current Government have taken steps to outlaw the shooting of impounded animals.
- 2.9 That the oversight of NSW Council pounds and shelters has been largely self-regulating and ineffective with animals falling between a myriad of government departments and agencies.
- 2.10 The level of suffering of many impounded animals is abhorrent. If a similar level of suffering occurred in a boarding kennel or veterinary practice (fall under the same Code of Practice), government would be far more likely to take decisive and immediate actions.

- 2.11 The lack of any final review with the NSW Animal Welfare Code of Practice No 5 – Dogs and cats in animal boarding establishments (1996) is inadequate, unacceptable and is a damning indictment of the low priority afforded to impounded animals, animal welfare and wellbeing, publicly funded infrastructure and essential service by the NSW Government.
- 2.12 The current structure of advisory bodies to the relevant Ministers, including the NSW Animal Welfare Advisory Council ('AWAC') and NSW Responsible Pet Ownership Reference Group ('RPO') does not enable or provide balanced or public input and their performance over many years is highly questionable.
- 2.13 There has been no conclusive or publicly available information to confirm the granting and expenditure of public money intended for reform or improvements with Council pounds or shelters and how this money has been used and what evidenced improvements have been achieved.
- 2.14 That the reduction in Council pound and shelter killing has only resulted from the efforts of animal advocates, activists and volunteer rescue groups, rather than any initiative by successive NSW State Governments.
- 2.15 That many NSW Council pounds continue to rely on volunteer rescue groups to 'offload' impounded animals rather than implementing any meaningful proactive initiatives and doing what is their paid and publicly expected role.
- 2.16 That many species of animals can be and are impounded and the NSW pound and shelter system needs to recognise and accommodate all species.
- 2.17 That a new or state of the art pound or shelter building does not of itself guarantee adherence to mandatory or expected animal welfare or wellbeing, or a high functioning operation in line with public expectations.
- 2.18 That 'animal sentience' is an evidenced and accepted scientific fact and must be incorporated into pound and shelter reform considerations, efforts and reforms.
- 2.19 That the NSW pound and shelter system is broken and requires an extensive examination and overhaul, starting with comprehensive audits of infrastructure and then policies, practices and processes.

SECTION THREE



SECTION THREE

INTRODUCTION

- 3.1 The NSW Government continues to fail vulnerable impounded animals and NSW communities. Not only are NSW pounds and shelters killing thousands of impounded animals, but the level of non-compliance in many impounding facilities and management practices is also contributing to extensive animal suffering and misery. Our totally inadequate and antiquated animal welfare laws are not protecting these vulnerable impounded animals, and are demonstrating a complete lack of accountability to the communities they are supposed to serve.
 - 3.1.1 Being killed in a pound or shelter is still the leading cause of death for companion animals in NSW. What's more, if they're old, young, unweaned, unwell (even an easy to treat ailment), suffer a disability, or even timid, their chances of being killed increase substantially with most not making it out alive.
 - 3.1.2 The truth is, despite the availability of many evidence-based and life-saving programs designed to stop the killing and suffering, our NSW pound and shelter system continues to actively support and enable the killing of impounded animals with little or no public transparency or accountability.
 - 3.1.3 Pounds and shelters are like every other publicly funded community service. We don't excuse a poorly performing hospital or homeless refuge by saying people shouldn't get sick or become homeless. Neither should we justify the appalling poor performance of NSW's pounds and shelters by saying pets shouldn't end up there, and it's the community's fault.
 - 3.1.4 Animals can end up in a pound or shelter for a myriad of reasons - your fence blows over, and your dog wanders off, or someone leaves your front door unlatched, and your cat escapes. Something spooks your dog at the park and he takes off, or fireworks are being set off in your neighbourhood. There can be a family death, a terminal illness or your pet is in need of very costly vet care and you just can't financially manage. Life has been tipped upside down and you find yourself homeless or at risk of becoming homeless.
- 3.2 Many Council pounds, primarily those in rural areas are situated at the local tip or sometimes at a water treatment plant. The tip serves as a convenience for many of these pounds as frequently, this is where the bodies of impounded animals who are killed, or those who die in the pound, are dumped.
 - 3.2.1 Others like the Young pound (Hilltops Shire Council), are situated in the noisy and busy council depot – an environment hardly conducive to already distressed and displaced pets.
 - 3.2.2 Many of these rural impounding facilities are antiquated, noncompliant and fail to provide even basic comforts for impounded animals. Some do not even have exercise yards or a dry area to

- 3.2.2 secure animals when kennels are being hosed out. Most are closed to the public wanting to reclaim a missing pet, or those wishing to open up their home and adopt a new family member.
- 3.2.3 Many rural councils only have one ranger, two if they're lucky, to undertake multiple and competing duties. Their pound duties are often low priority, and there are few councils where animal welfare, wellbeing and statutory impounding responsibilities are prioritised by senior council staff or elected councillors.
- 3.3 We have had significant experience with NSW councils, trying to engage them and support them on a path to progressive reform. While we have certainly achieved some success, this has been on the back of extensive and exhaustive lobbying and sometimes, public exposures. In most instances, there has been strong resistance and deflection and quite aggressive and unprofessional responses, deliberately designed to smear the messenger, and ignore the message.
 - 3.3.1 Most pet owners and pet lovers do the right thing, paying pet registration fees to the tune of millions of dollars each year and making large donations to charity shelters. The public believed they are paying for a pet management system that will care for, and protect our pets, should they ever become separated from us. Instead, Council pounds and shelters kill our animals with heartbreaking frequency. Owned pets, lost pets and animals in need, are all swept up in this vast killing system that is deemed acceptable and normal.
- 3.4 In 2011, a report from WA showed just 48 of nearly 150 councils had a microchip scanner – so the obvious question is what happened to people's pets at these other councils? Then the major national microchip manufacturer Virbac, revealed that <u>thousands of microchips implanted</u> <u>between 2010 and 2012 are faulty</u> and can't be read. Even then, for a microchip to 'work', you're relying entirely on the hope that the pound or shelter operator cares enough to scan your pet thoroughly and effectively.
- 3.5 In spite of the requirements, some pounds still don't photograph pets, and their images aren't always placed online. You will be expected to visit every pound and shelter in person every day, to peer into cages, and that's only possible if the gates aren't locked. A pet may have been so spooked they have been on the run for weeks and when seized, have been taken to another pound or shelter.
- 3.6 Many pounds in NSW (infrastructure and practices), don't have adequate hygiene systems. Very few vaccinate on intake, so your pet can be housed with dozens of other pets of unknown origin, all potentially harbouring diseases that could be passed on and make them sick, or even kill them. Common and treatable illnesses such as ringworm are often used as an excuse to kill, so if your pet does get sick in the pound while he waits for you to find him, they can be killed.
- 3.7 When you start to dig deeply into the management and operation of pounds and shelters in NSW and look at the historical data, a single truth becomes very apparent, - many providers of these services simply don't see it as 'their job' to save the lives of the animals in their facilities. Killing is as acceptable as not killing. Impounded pets are dying because an ineffective, apathetic and brutal pound system is killing them.



Image 4: after hours cat drop off box. Source: Saving Pets.

EXCERPTS FROM SAVING PETS:

- 3.8 The following are excepts taken from 'Saving Pets':
 - 3.8.1 Legislation which directs pounds to notify owners is littered with exclusion phrases ('if practicable', 'all reasonable efforts') meaning that if they don't notify you and your pet dies as a result, no action will be taken against the council or the council representative;
 - 3.8.2 If your pet catches a transmissible, even life-threatening disease because of poor hygiene standards, no action will be taken against the council;
 - 3.8.3 If the pound or shelter kills your pet because of poor procedures, and because it doesn't work to save the lives of the animals in its care, no action will be taken against the council;
 - 3.8.4 If the pound takes your pet in, but chooses not to release it because it fails a health or temperament test (or simply because the council refuses to offer a rescue or adoption program);
 - 3.8.5 Even if a rescue group is willing to step in and save its life the discretion lay completely with council. There is no mandate to save lives;
 - 3.8.6 The amounts charged by pound providers can exceed the actual cost of caring for a pet several times over. If you cannot afford the costs even if your pet is microchipped and desexed the pound can kill your pet;
 - 3.8.7 The pound can, in most states, shoot your pet with a rifle and

- 3.8.7 dump their body at the tip;
- 3.8.8 A pound can kill a pet, rather than treat his ailment, even if that ailment is easily treatable (ringworm, flu, kennel cough), caught at their facility, or not permanent (young pets);
- 3.8.9 A pound can tell you they don't have your pet, when they actually do, and even if they missed your pet's microchip, there will be no action you can take against them. This is acceptable;
- 3.8.10 A pound can refuse to give their kill rates/stats to you;
- 3.8.11 A pound can refuse to offer any vet treatment citing 'expense'. They are under no obligation to offer a behavioural treatment plan, or enrichment program;
- 3.8.12 A pound can use killing as its main method of shelter population control, and still be lauded as an animal welfare leader by its peers.
- 3.9 The case studies included in our submission highlight the lack of protection many pets have once they enter this system. To the best of our knowledge, no pound or shelter worker has ever held accountable in any of these situations. No one has been charged with neglect or cruelty. They all still have jobs. But in most cases, the pets ended up dead and the grieving owners were expected to simply accept this outcome.
- 3.10 Animal Liberation contends that the NSW pound and shelter system is fundamentally broken, and that this has led to an animal welfare crisis, and a mismanagement of public funded infrastructure which provides a critical essential service. The evidence is an overwhelming as it is distressing and unacceptable.

NOT RESPONDING IS A RESPONSE WE ARE EQUALLY RESPONSIBLE FOR WHAT WE DON'T DO

JONATHAN SAFRAN FOER

EATING ANIMALS (2009)



SECTION FOUR

RESPONSES

a. RESOURCING CHALLENGES AFFECTING NEW SOUTH WALES POUNDS, INCLUDING THE ADEQUACY OF FUNDING GIVEN TOWARDS THE OPERATION OF POUNDS BY LOCAL AND STATE GOVERNMENTS

- 4.1 The resourcing challenges affecting NSW pounds and shelters are largely unknown and very much a mixed bag, however it is clear the funding is completely inadequate. Animal Liberation would need to review an accurate and up to date spreadsheet of all monies given to Council pounds and shelters, including through random grants, before determining the shortfall.
 - 4.1.1 New pounds constructed in NSW over recent years have cost between \$3 million and up to \$8 million (a unique case involving the entire council compliance operations as well as the pound).
 - 4.1.2 We do, however, maintain that the No Kill suite of initiatives (when properly implemented and managed) will drive down costs.

b. THE ADEQUACY OF POUND BUILDINGS AND FACILITIES IN NEW SOUTH WALES

4.2 Animal Liberation contends that many of NSW's Council pounds and shelters are non-compliant and completely inadequate. Many operators work on a system of 'repair' to maintain the asset, rather than adhere to animal welfare legislation, what is best for animals and best practice, and broad public expectations.

c. WELFARE CHALLENGES FACING ANIMALS IN POUNDS ACROSS NEW SOUTH WALES, INCLUDING THE PROVISION OF HOUSING, BEDDING, FEEDING, EXERCISE, ENRICHMENT, VETERINARY TREATMENT, VACCINATION AND DESEXING

- 4.3 The challenges exist but cannot be ignored or deflected. Vaccinating 100 dogs to keep them healthy against deadly disease and then adopting them out, will always be more ethical and cost effective than killing 100 dogs.
 - 4.3.1 The 'welfare' challenges can be addressed by mandatory legislation, good pound design and upkeep and the introduction of the full suite of No Kill initiatives.
 - 4.3.2 If these requirements are mandatory for dogs in NSW puppy factories (as they are), the NSW State Government would be hard

pressed to explain why these requirements are not being adhered to in Local Government and State Government Council pounds and shelters.

d. THE ADEQUACY OF THE LAWS, REGULATIONS AND CODES GOVERNING NEW SOUTH WALES POUNDS, INCLUDING THE COMPANION ANIMALS ACT 1998 (NSW) AND THE NSW ANIMAL WELFARE CODE OF PRACTICE NO. 5 -DOGS AND CATS IN ANIMAL BOARDING ESTABLISHMENTS (1996), AS WELL AS THE ADEQUACY OF THE CURRENT ENFORCEMENT AND COMPLIANCE REGIME

- 4.4 We maintain that in general, successive NSW Governments have only ever paid lip service to animal welfare and wellbeing, in a reactive rather than proactive manner when it comes to pounds and shelters. The laws, regulations and CoP and adequacy of oversight, compliance and enforcement regimes continue to fail impounded animals and the NSW public. We urgently need a new, revised and stand-alone CoP for NSW pounds and shellers.
 - 4.4.1 The Committee should note that currently new state of the art Council pounds and shelters are being constructed at the cost of millions of dollars of public money, based on the current 1996 CoP.

FAILED COP REVIEW

- 4.5 In 2014 a revised CoP (Dogs and Cats in Council Pounds and Animal Shelters Guidelines 2014) was circulated to NSW Councils for consultation and feedback. The Standards looked to "prescribe legally enforceable requirements which apply to any... facility operated by or for a local council, other organisation... which is used for the accommodation or shelter of dogs or cats for the purpose of housing or finding new homes for stray, seized, abandoned or unwanted dogs or cats".
 - 4.5.1 We considered the 2014 draft a very good and sensible starting point to enshrine a set of standards as to how publicly funded pounds and shelters including private or charity shelters should treat the animals they are responsible for, and would have/should have opened up the opportunity for compliance shortfalls audits, and discussions about public funding to lift pounds and shelters out of the third world examples that littered NSW, and continue to litter NSW.
 - 4.5.2 Tragically, at the time, the response from many NSW Councils was yet another example of a complete disregard for the animals or their public responsibilities and it became a case of the tail wagging the dog with many councils confirming 'they couldn't possibly meet the unreasonable expectations, and to expect them to do so would lead directly to an outbreak of barbiturate poisonings'. At the time, we understand sixteen (16) NSW Councils wrote to and appealed to the Minister and the Department Primary Industry ('DPI'), to complain that if they

- 4.5.2 need to abide by everything in the standard it will cost 'so much' that they will have 'no choice' but to increase killing.
- 4.5.3 Since the above time, nearly a decade later to 2023, there has been no public review of this outdated and inadequate CoP which we maintain must include extensive NSW Council, shelter, veterinary and public consultation and input.

e. FACTORS INFLUENCING THE NUMBER OF ANIMALS ENDING UP IN NEW SOUTH WALES POUNDS, AND STRATEGIES FOR REDUCING THESE NUMBERS

4.6 We have addressed this matter throughout our submission. There is a myriad of reasons and currently the cost of living crisis, lack of safe and affordable housing, the rental squeeze, homelessness or risk of homelessness and spiking vet care costs are driving intake rates.

f. EUTHANASIA RATES AND PRACTICES IN NEW SOUTH WALES POUNDS, INCLUDING THE ADEQUACY OF REPORTING EUTHANASIA RATES AND OTHER STATISTICS

4.7 All these matters are addressed in our submission recommendations.

g. THE ROLE AND CHALLENGES OF BEHAVIOURAL ASSESSMENTS IN NEW SOUTH WALES POUNDS

4.8 These matters are addressed in our submission.

h. THE RELATIONSHIP BETWEEN NEW SOUTH WALES POUNDS AND ANIMAL RESCUE ORGANISATIONS

4.9 While there is some level of respect and recognition of volunteer and selffunded rescue groups, there is also a level of inflexibility and lack of understanding on the part of Council pounds and shelters about rescue groups. Many Council pounds see rescue organisations as a new form of dumping ground for animals, that they themselves are responsible for. It is our firm view that rescue groups should only be taking in exceptional or special needs cases, and that publicly funded Council pounds and shelters should be undertaking their statutory obligations. Again adopting the full suite of No Kill initiatives would alleviate some of the pressures currently experienced by Council pounds and shelters. i. THE CHALLENGES ASSOCIATED WITH THE NUMBER OF HOMELESS CATS LIVING IN NEW SOUTH WALES FOR BOTH POUNDS AND ANIMAL RESCUE ORGANISATIONS, AND STRATEGIES FOR ADDRESSING THIS ISSUE

4.10 We do not under-estimate these challenges with owned cats and community cats or free ranging cats but continuing to trap, impound and kill cats and kittens is neither ethical, effective or in line with public expectations. Government can turbo boost free and low cost desexing and implement and publicly fund TNR programs. Government can also offer incentives to the public to encourage and substantially increase grants funding for cat rescue organisations.

j. STRATEGIES FOR IMPROVING THE TREATMENT, CARE AND OUTCOMES FOR ANIMALS IN NEW SOUTH WALES POUNDS

4.11 To develop strategies, the Committee must be aware of all the issues. We maintain that without a comprehensive audit of all NSW pound and shelter facilities and all Council and shelter policies, practices and processes, any strategies developed will be half baked.

k. ANY OTHER RELATED MATTER

4.12 Related matters are addressed in our submission.

OTHER CONSIDERATIONS

NSW LOCAL GOVERNMENT MEMORANDUM OF UNDERSTANDING ('MOUs')

4.13 Memorandums of Understanding between the NSW Office of Local Government (NSW OLG) and other agencies and organisations such as the NSW State Ombudsman and others fail to allow and enable independent, effective or meaningful investigations or solutions, and invariably lead to increased frustration by the NSW public.

PUBLIC MONEY

4.14 There has been a lack of public reporting in regards to public money given to Council pounds and shelters (including RSPCA NSW) for the purposes of pounds and shelters and animal welfare – what the money is for, how it has been expended and what improvements to animal welfare and wellbeing have been achieved. The granting of public money for these purposes should be tied to clear KPI's.

PAST INQUIRIES

COMPANION ANIMALS TASKFORCE

- 4.15 The Companion Animals Taskforce ('the Taskforce') was established by the Minister for Local Government and the Minister for Primary Industries in November 2021 to provide advice on key companion animal issues, including strategies to reduce the rate of companion animal euthanasia. The Taskforce was chaired by former Liberal Member for Charlestown, Mr Andrew Cornwell MP (and a veterinarian), and consisted of representatives of organisations, invited by the Ministers to participate. There were around 5,300 public submissions lodged during this Inquiry.
- 4.16 Specifically, the Ministers asked the Taskforce to inquire into:
 - 4.16.1 Euthanasia rates and re-homing options for surrendered or abandoned companion animals;
 - 4.16.2 The breeding of companion animals including the practices of "puppy farms";
 - 4.16.3 The sale of companion animals;
 - 4.16.4 The microchipping and desexing of companion animals;
 - 4.16.5 Current education programs on "responsible pet ownership";
 - 4.16.6 Dangerous dogs and;
 - 4.16.7 Any other high priority companion animal issues that become apparent to the Taskforce.
- 4.17 Based on the conduct and results of this Inquiry including 38 recommendations, it is our view that the NSW Government final response to the reports of the Companion Animals Taskforce were disappointing and have not resulted in any significant change or advancement.
- 4.18 The Inquiry was intended to 'reduce kill rates in pounds and shelters' but was overtaken with the then Government's obsession with dangerous dogs and the commercial pet industry. It has taken the Government many years to introduce approved recommendations, again confirming pound and shelter reform is not considered a priority for the NSW Government, and indeed successive governments.

CENTRE FOR INTERNATIONAL ECONOMICS REVIEW INTO 'REHOMING OF COMPANION ANIMALS IN NSW'

- 4.19 In expected reactionary fashion, the previous NSW State Government and Minister for Local Government engaged The Centre for International Economics (CIE), who describe themselves as a "boutique economic research firm that provides independent, quantitative, evidence-based advice to support practical decision-making".
 - 4.19.1 The scope of the work was narrow and the invited participants was extremely limited (minimal pounds or shelters or rescue groups). Animal Liberation was actively involved in online meetings with CIE during their review and continued to express concerns about the limited scope of the review.
 - 4.19.2 The 'draft' CIE report is limited and narrow and misses many opportunities for meaningful reform. In spite of requests by Animal Liberation, neither CIE or NSW OLG have confirmed the Minister's scope to CIE, the public money costs of this review and have failed to make public the final report, even to those like Animal Liberation who actively participated and contributed.

BREEDING VS. FAILED GOVERNMENT POLICY VS. POUND AND SHELTER KILLING

4.20 While there is no doubt the NSW State Government's failure to regulate commercial and back yard breeding of companion animals, the issues surrounding 'breeding' and pound and shelter intakes and killing, are separate issues and require separate solutions. Once an animal enters the pound or shelter system, the 'outcome' is entirely dependent on the attitude, policies and practices of the pound or shelter and current NSW legislation.

NSW COUNCIL MERGERS AND RURAL RANGERS

4.21 We would ask the Committee to review and examine any reduction in NSW Council ranger services for impounded animals and any impacts with reduced animal welfare and welling following the NSW State Governments forced council mergers strategy and implementation.

MEGA POUNDS AND SHELTERS, POUND AND SHELTER CLOSURES, AND NEW POUNDS

4.22 For many years, we saw an increase in 'tendered' pound contacts and pound arrangements. Some Councils outsourced their animal sheltering responsibilities to charity pounds. By <u>collecting multiple tenders</u>, these charities created an artificial state of 'overpopulation' and used this to

- 4.22 justify the use of killing to manage their shelter populations. All the while councils don't see it as 'their responsibility' to save lives, they do little to challenge or work to drive these kill rates down.
 - 4.22.1 Examples include the RSPCA Rutherford shelter which managed pound services for the suburbs of Maitland, Lake Macquarie and Newcastle. The pound had long been criticised by animal advocates for refusing to release animals to community rescue, for working to overturn minimum impound periods making it easier to kill pets and for running overcapacity, especially during the busy holiday periods. In 2011, RSPCA NSW then began negotiations with the Cessnock Council (Kurri Kurri Animal Shelter) to take over their pound, and in doing so expanded and increased the Rutherford shelter load by an expected 800 dogs and 300 cats per year.
 - 4.22.2 The AWL NSW closed one of only two shelters and RSPCA NSW are continuing to actively withdraw their 'pound' services, closing facilities and causing these communities anxiety, frustration and great concern as continues to play out publicly with the closure of the RSPCA NSW Blue Mountains facility.
 - 4.22.3 Similarly, a number of new Council pounds and shelters have been constructed and continue to be constructed, however the blueprint is based on the current out of date CoP and no state of the art pound or shelter facility will achieve success without the corresponding policies, practices and processes – in short the introduction of the full suite of No Kill initiatives.

ANIMAL WELFARE COMMITTEES AND MINISTERIAL ADVISERS

4.23 The make-up of the NSW Animal Welfare Advisory Council ('AWAC') and NSW Responsible Pet Ownership Reference Group ('RPO') is not conducive to transparent or inclusive public policy direction or progressive reform. These groups continue to engage the same players with the same questionable results and lack of progressive reform.

COST OF LIVING CRISIS, AFFORDABLE AND SAFE HOUSING, THE RENTAL SQUEEZE, HOMELESSNESS, AND RISK OF HOMELESSNESS

4.24 These issues are obvious and cannot be ignored.

VET COSTS

4.25 The Committee should in part be guided by the current Veterinary workforce shortage in New South Wales Inquiry and pay particular attention to the difficulties experienced by the public in seeking and affording vet care. We would encourage the Committee to consider the introduction of publicly

4.25 funded free or reduced vet care for vulnerable pet owners, and expansion of other available programs such as VetPay across all NSW vet practices, including emergency and out of hours practices for low income and concession holders or others experiencing temporary financial stress.

THE GREYHOUND RACING INDUSTRY (NSW)

- 4.26 The NSW greyhound racing industry is breeding significantly more greyhounds than it can place – it is estimated across Australia, six (6) times the amount. GWIC is a publicly funded and statutory organisation and should be accountable to the broad public, and yet they are permitted to introduce CoPs with no more than Ministerial sign-off. We are deeply concerned that is spite of all the financial incentives given to GRNSW participants (that no other member of the NSW public enjoys), and in consideration of the current serious pressures on Council pounds and shelters and volunteer rescue groups, the latest GWIC CoP allows a greyhound to be dumped in a pound or shelter, provided the participant has GWIC approval.
 - 4.26.1 CoP for rehoming greyhounds was compiled and pushed through without any public input.

STRATEGIC COMPANION ANIMAL WELFARE PLANS ('SCAMPs')

4.27 This is expanded in our recommendations, but in essence would/could run on similar lines to the Victorian plans and would help to standardise and improve the performance of Council pounds and shelters, animal welfare and wellbeing and public transparency, input and accountability.

THE NO KILL EQUATION

- 4.28 It is Animal Liberation's strong view that there is sufficient evidence from the US to demonstrate when and where the suite of No Kill initiatives are introduced, supported and upheld by a compassionate and strong leadership team, success rates climb and remain in the high 90%, saving lives rather than taking them, being fiscally responsible and in line with public expectations.
- 4.29 The range of No Kill initiatives include:
 - 4.29.1 Volunteers, Rescue Partnerships, Foster Care, Sterilisation & Release, Comprehensive Adoption Programs, Medical & Behaviour, Prevention & Rehabilitation, Pet Retention, Proactive Redemptions, Public Relations/Community Involvement, High-Volume Sterilisation, Compassionate, Dedicated and Capable Leadership.

THE WORST SIN TOWARD OUR FELLOW CREATURES IS NOT TO HATE THEM, BUT TO BE INDIFFERENT TO THEM:

THAT'S THE ESSENCE OF INHUMANITY

GEORGE BERNARD SHAW

SECTION FIVE

BACKGROUND AND HISTORY: CASE STUDIES



SECTION FIVE

BACKGROUND AND HISTORY: CASE STUDIES

5.1 The following case studies have been included in our submission because we believe these will best illustrate the background and history of NSW's pound and shelter system, and why we need the NSW State Government to listen, and take the urgently needed proactive measures and steps to begin to overhaul and reform this appalling current system, in line with its animal welfare obligations, and clear pubic expectations.

BOURKE POUND (BOURKE SHIRE COUNCIL)



Image 5 (above): Bourke Shire Council. Source: volunteer. Image 6 (insert): 4 cattle cross puppies hiding, Bourke Shire Council. Source: volunteer.

5.2 The shooting of impounded animals by the Bourke Shire Council was not the first such instance of NSW impounded animals being shot, and we strongly refute that the publicly exposed Bourke Council shooting occurred as a result of Covid restrictions. Prior to Animal Liberation's public and media exposure of Bourke Shire Council, shooting (puppies, dogs, kittens and cats) had been common practice for years. We would encourage Committee Members to review the annual NSW OLG pound data for Bourke Shire Council for the 2017/18 to 2021/22 periods. It is also apparent, that contrary to media claims by council, the stated 'low kill rate/s', is only as a result of their offloading impounded animals to volunteer rescue groups. The rest were killed by shooting.

- 5.3 In respect to our recent formal complaints and allegations of animal neglect and cruelty by Bourke Shire Council, we maintain our allegations. This RSPCA NSW investigation is continuing.
- Animal Liberation has had extensive communications with Bourke Shire 5.4 Council which confirms that two years after the dog and puppy shooting, and in spite of our previously raising pound non-compliance, Bourke Shire Council still has no exercise yard/s for impounded dogs and puppies.



volunteer and Animal Liberation.

Image 8 (right): 'Fleur', before and after, Bourke Shire Council. When rescued, Fleur was sick with parvovirus. Source: volunteer and Animal Liberation.

COWRA POUND (COWRA SHIRE COUNCIL)

- 5.5 Cowra Council pound is largely non-compliant, has traditionally been a high kill pound and made headlines when volunteers saw a kelpie dog which had been mauled to death in the pound walkway.
 - 5.5.1 In spite of a huge public outcry, not a lot has changed at Cowra.
 - 5.5.2 The conditions and corresponding animal suffering has been extensive and council literally has to have bedding handdelivered to ensure animals have some bedding.
 - 5.5.3 Historically senior council staff and most elected councillors have been belligerently resistant to change - denying, deflecting and aggressively attacking those who sought to reform them. Past rangers and their animal welfare 'attitude' and performance also caused Animal Liberation extreme concern.
 - 5.5.4 This Council has to be continually reminded to 'advertise' impounded animals.
 - 5.5.5 The public and supporting media campaign did however, eventually result in a new 'rescue and rehoming policy' being publicly exhibited and adopted. The pound itself is however appalling and the only funding (yet to be expended) is to fix the roof, some gates (protect the asset), an air conditioner in the cat

shed (and it is shed) and a large amount of public money to purchase more cat traps to trap, impound and kill more cats and kittens.



Image 10: mauled dog (owned by ranger), Cowra pound. Source: volunteer.



Image 11: Council dog pens with inadequate shelter from weather, Cowra pound. Source: volunteer.

HARDEN POUND (HILLTOPS SHIRE COUNCIL)

5.6 Boorowa, Harden and Young Councils were forcibly merged into the Hilltops Shire Council by the NSW State Government, and between them have three (3) council pounds which continue to operate. All three pounds are permanently closed to the public.



Image 12: Council pound at water treatment plant and no exercise yard, Harden pound. Source: Animal Liberation.



Image 13: impounded dog with dry food scattered on concrete, Harden pound. Source: Animal Liberation.

YOUNG POUND (HILLTOPS SHIRE COUNCIL)

- 5.7 The conditions and corresponding animal suffering at the Young pound (now Hilltops Shire Council) are amongst some of the worst witnessed by Animal Liberation. This was a high kill pound where senior council staff and most elected councillors were belligerently resistant to change denying, deflecting and aggressively attacking those who sought to reform them. The resistance came from senior council staff and most councillors, not from the rangers, albeit there were obvious issues with the ranger's care and attitude towards many impounded animals. A supply of dog coats and bedding sent to the Young Council was refused and returned. In previous years Young pound had also shot impounded animals and frequent parvovirus outbreaks resulted in many dogs and puppies dying or being killed.
- 5.8 A very public and exhausting campaign was run against Young Council and resulted in a member of Animal Liberation being banned from access to the pound after many kittens, cats, puppies and dogs had been rescued and the volunteer had paid for a vet to attend the pound to vaccinate dogs to stem a then aggressive outbreak of parvovirus which was claiming the lives of dogs.
 - 5.8.1 The public and supporting media campaign did, however, eventually result in new compliant cat enclosures, exercise yards for the dogs, council working with rescue groups and a new 'rescue and rehoming policy' being publicly exhibited and adopted.
 - 5.8.2 Animal Liberation has also successfully engaged with other NSW Council to collaborate and provide input into other 'rescue and rehoming' policies.



Image 14: dog housed in council trailer at Young Shire Council pound depot due to overcrowded pound with no bedding. Source: Animal Liberation.



Image 15: kittens, Young Shire Council pound. Kittens being fed adult food, sitting on wire with no bedding or litter tray. Some cats had no water either. Source: Animal Liberation.



Image 16: mum and pups, Young Shire Council pound with active parvovirus. Pups being fed adult food, no bedding. Source: Animal Liberation.



Image 17: owned cat, trapped/seized and left in cat trap overnight with no bedding, water, feed or litter tray. Source: Animal Liberation.

THERE ARE LITERALLY HUNDREDS OF DISTRESSING AND HEARTBREAKING STORIES ABOUT NSW POUNDS AND SHELTERS - FAR TOO MANY TO INCLUDE IN THIS SUBMISSION

INDIE'S STORY

5.9 The story of the dog 'Indie' is however significant as it led to what we maintain has been the only thorough and independent investigation of an NSW Council (Leeton Shire Council), and its pound and appalling pound performance, which resulted in a comprehensive and independent investigation, report, findings and recommendations by SINC Solutions. Then came the story of the dogs 'Bruce' and 'Narla' – again, victims of Leeton Shire Council.

While pounds accept, and continue to be excused for killing, our animal friends will never be safe.

- 5.10 Indie's story is about a 14 month old female Staffy dog who was shot, dumped at the local tip and then Leeton Council blamed the dog and stonewalled the grieving family. Indie's human mum was a very experienced veterinary nurse and Indie was in fact a therapy dog for the human's adult daughter.
- 5.11 Indie and her human family were visiting a friend's house, when she escaped by popping out of a fly-screened window. Indie was microchipped and her details were current and up to date. While Indie's family were frantically out searching for her, the Leeton ranger collected Indie after a neighbour reported her as wandering lost. Indie's microchip should have secured her safety for 14 days while her family were contacted, however the ranger failed to find the microchip.
- 5.12 Instead of taking Indie to the pound, the ranger drove Indie to the local tip, took out his rifle and shot her in the head. When questioned, the ranger claimed Indie, 'was barking at (the neighbour) from the mailbox", and had been 'acting viciously". Not so viciously however, that the ranger wasn't able to load, unload, secure and then shoot Buddy, single-handedly.



Image 18: media, Indie, Leeton Shire Council and 2nd story about the turnaround of Wyong Council pound after exposure.

- 5.13 After significant deflection, Leeton Council then engaged SINC Solutions to undertake an independent investigation and the report when it was finalised was as damming as it was comprehensive. After initially delaying the report, Council also refused to make the report publicly available.
- 5.14 It is Animal Liberations view (we have read a copy of this report) that this investigation and report is the most thorough and comprehensive we have witnessed. This is how all such investigations which involve the welfare and wellbeing of impounded animals should be undertaken.
- 5.15 The SINC Solutions report arrived on the heels of a further dog incident by a Leeton ranger which saw family pets, one of which was registered and microchipped, and the second a puppy, both being killed.

BRUCE AND NARLA'S STORY (2014)

- 5.16 Three months after Leeton Council's ranger shot Indie. On a Thursday evening, a young family returned home to find their two dogs Bruce and Narla missing, and a card from the local ranger on their door. They phoned that same evening to claim their pets. Narla, the older dog, was microchipped and registered. However, as Bruce the pup was not, the ranger advised that there would be a \$210 registration/microchipping charge, plus pound fees, before the dogs could be claimed.
- 5.17 On a limited budget, the family advised they would not be able to afford the charges immediately, but that they would bring the money at an agreed date or 7 days later. Under NSW legislation an identified animal must be held for 14 days, which should have been more than sufficient time for the owners to claim them.



Image 19 (left): 'Bruce' puppy, before, killed by Leeton Shire Council. Source: Saving Pets

Image 20 (right): 'Narla' before, killed by Leeton Shire Council. Source: Saving Pets

- 5.18 Leading up to the collection, the family kept in touch with Council, who reassured them that there was no issue with having Bruce chipped and the two dogs released. However, on the day of collection the dogs were nowhere to be found. The ranger had killed these two beloved family pets on the previous day.
- 5.19 Leeton Council was at that stage now three and counting. Two of which were microchipped, and all of which were killed illegally, ignoring state mandated holding periods.



Image 21: garbage bags of dead pets wait for disposal outside Leeton Shire Council pound. Source: Saving Pets

5.20 The following extracts are from blogs compiled by Saving Pets (Michelle Williamson) with whom we have liaised and collaborated for over a decade. We believe sharing some of these excerpts will better inform Committee Members.

KILLING PETS IN THE FACE OF ALTERNATIVES - WALGETT SHIRE COUNCIL

4 January 2013

Ninja's owners had been having problems with their fencing. According to the Walgett Shire Council ranger who responded, Ninja had been reported to council as to have been 'knocking over bins'. The ranger approached the family to ask that they sign the dog over to him.

According to the family:

She did not want to sign the papers, stating that her two children aged 6yrs and 9 years would be very upset and they would be looking for Ninja. The ranger told her that Ninja would be sent to Dubbo and he would find a new home there with a good yard. The owner, who was vulnerable, thought that she had no choice but to sign the papers, which she did, but she continued to convey to the ranger that she did not want to surrender him. Ninja's owner described the ranger as a 'Bully'.

However, the owner did sign the papers and Ninja was taken to the local pound.

So you are a ranger and you've just collected a young family dog with a history of 'roaming', from a reluctant family;

Do you;

a) hold the dog in the pound for few days to give the owner a chance to fix her gates and reclaim him?

b) hold the dog in the pound for a few days to see if anyone might like to adopt him?

c) contact local rescue groups to make provisions for the dog to be passed on to them?



Image 22: Ninja and his family. Source: Sydney Pet Rescue & Adoption Inc.

d) all of the above?

Two hours later the owner changed her mind about giving up Ninja and asked to have him returned. The ranger assured her that he'd found a nice new home with a 'lab breeder' in Sydney. Upset, the owner contacted Sydney Pet Rescue & Adoption (SPRA) asking if they could help her track down her dog.

By this time, Saturday morning, Walgett Council had closed for the Xmas period until 2nd January. SPRA was concerned that if we did not track Ninja down straight away, he could be euthanased as commonly happens with surrenders. SPRA was eventually able to get through on the emergency numbers and spoke to a couple of different managers. The Director of Planning & Regulation did at least treat it as an urgent matter as requested by SPRA, and spent time investigating the matter between Saturday and Monday morning.

He spoke with the pound ranger who agreed that he had told the owner that he had sent Ninja to Sydney, when in fact he admitted to the Director that he had not sent Ninja to Sydney but rather shot Ninja dead that same day.

SPRA asked the Director to explain their euthanasia practices. The Director advised that their standard practice was to either put a bullet in the animal's head either on site at the pound or to take the live animals out to the tip and shoot them there. SPRA expressed disgust at such a practice which does not constitute euthanasia, but rather execution. The Director advised that they had to work within their resources which did not include a vet. This seems hard to understand since there is in fact a vet clinic located in Walgett. SPRA asked for further clarification to ascertain if animals were shot in front of each other however the Director declined to discuss the matter any further until after new year.

I bet you chose a), b) or c) up there, didn't you? Of course you did – because that's what any right-thinking animal lover would do.

Unfortunately, this ranger chose to instead take Ninja back to the pound, shoot him in the head and then assure his owner that he went to a lovely new home.

The case has been referred to the RSPCA NSW. Will they speak out about this abhorrent, inhumane and wasteful treatment of a family pet? Or will they give this ranger <u>a 'certificate of appreciation'</u> for his good work too?

Remember folks, this is our animal management system – the one who blames **YOU** for the killing.

NO ONE WANTS TO KILL PETS - REGIONAL NSW EDITION

31 May 2013

Two Bingara families <u>have made a complaint to Gwydir Shire Council (NSW) about the</u> <u>actions of their local council ranger</u>.

Lee Fleming's great dane Charlie and her partner's dog Buster had reportedly gotten loose and been involved in an incident with another dog. The ranger arrived on the 1st March and told the couple that he would have to take both dogs.

'I got my great dane Charlie and my partner got his dog Buster, and we put them on the back (of the ranger's vehicle) in the cages," she said. 'I was just an absolute mess, because my dogs are like my family."

When the ranger got back to his depo, he had some problems unloading Charlie. So he did the only thing he could do when faced with a fractious and fearful pet.

He took out his rifle and shot the dog.

'I was sobbing on the phone"

'Did he die straight away, did he suffer? I don't know that," Lee said. 'It's just not fair, not fair at all."

Lee believes she should have been contacted before her dog was destroyed. It beggars belief that a she wasn't consulted until after the dog had a bullet in his brain. Buster, the other dog, was returned home after Lee submitted a letter of appeal to council. It took five weeks to get her pet home.

Another resident Julie Kilgour's two dogs – one a deaf and blind dachshund – had escaped their yard when a house visitor left a gate open. The local ranger came to collect the dogs for impoundment;

'He (the ranger) walked into my yard, put my two dogs on leads and he led them out," Julie said. But later decided to return the dogs;

'He brought him back and he dropped him over the fence."

Unfortunately, as anyone with any knowledge of animal handling knows, dropping a deaf, blind dachshund from any great height can have catastrophic consequences.

The dog damaged his spine so severely, that he had to be put down.

Gwydir Shire Council Council General Manager Max Eastcott has been overwhelmingly sensitive to the feelings of these grieving dog owners;

'I have two dogs myself but I have an (appropriate) fence and they don't get out," he said. Because even as your ranger runs roughshod over your community, it's good to take the opportunity to blame the bad owners. Newsflash. Dogs DO get lost – that is why we have rangers. In both instances it appears the dogs were relatively quickly returned to their homes, but the ranger then chose to remove the dogs from the homes where they were, then injure them.

Still blaming the wrong end of the chokepole.

The Companion Animal Taskforce took the opportunity to push for breeder licences, pet registration changes and responsible pet ownership education programs. Unfortunately, in their efforts to target owners as the 'problem' in our animal management system, they failed to address in any way the kill-happy, uncompassionate and often downright sadistic behaviour of many local councils and their animal management staff.

Dysfunctional pounds, failing pets and their owners need to be addressed. Wailing about 'overpopulation' does little to help dogs like these two – who lost their lives not because their owners didn't love and want them, but because the local council officer simply didn't give the slightest value to their lives.

ALBURY COUNCIL OOPSIE KILLS FAMILY PET

17 July 2013

CJ was just fifteen months old and the pet of a Lavington (NSW) family.

She went missing on June 30. When owner Cody called the Albury pound he was told she wasn't in their facility.

On Monday 8th June, Cody did exactly what we ask owners to do – go to the pound and look in person. And sure enough, CJ was being held, labelled as a 'pit bull' and marked for destruction.



Image 23: CJ. Source: Saving Pets

Cody was told 'he couldn't have his dog back as it was a restricted breed, unless it was inspected by a breed assessor and reclassified."

Cody agreed. But before an assessment could take place **CJ was 'oopsie' killed by the pound.**

Albury Council's team leader for compliance John Mulvey confirmed the dog had been scheduled to be put down on Friday but pound staff had agreed to hold off until an independent assessment could be carried out.

'Unfortunately this information wasn't conveyed quickly enough to avoid euthanasia prior to the assessment being carried out," he said.

Council is unsympathetic, stating that 'Council is confident that an independent assessment would have confirmed the dog's breed as a pitbull", so even if they made an 'error", its ok because the independent assessment would have confirmed their mistake was the right thing to do. They also firmly place the blame for CJ's death on the family since 'it was important all dog owners microchip and register their animals". So we're supposed to believe that even though pound staff weren't able to manage a simple cross-check of a lost pet register, and those same staff 'oopsie' killed CJ even after her family came to claim her... that when processing microchipped dogs, the pound's practices are exemplary. Phooey.

Cj's body was dumped at the neighbouring Albury tip.

DOGS SHELTERED TO DEATH WHO HAD OWNERS WHO WANTED THEM BACK

19 September 2013

Getting owned pets with families looking for them home is the most important role of any animal management system. Pets with owners take up valuable shelter space that could be freed up simply by reuniting the two. These pets need not contribute to kill rates, as there is no need for them to be killed. And unless the pet has been involved in some kind of nuisance or incident, removing barriers to their being collected is a primary way of increasing live release rates.



Image 24: Nikki and Rocket. Source: Saving Pets

Unfortunately however, rather than be a simple process, often finding and claiming lost pets is convoluted, bureaucratic and, at its worst, ends with the death of a loved pet. The ultimate failure of a pound or shelter is to kill a pet with an owner wanting and willing to claim them. And more owners than ever are speaking out when it happens.

<u>From the news today</u> (yes, that is three incidents in Sept alone) Kylie McCrea of Sawyers Gully, had been negotiating the release fee for her two Jack Russell terriers (Nikki, 1, and Rocket, 2) which had risen to \$960, with Maitland City Council (NSW).

The RSPCA told her on Friday that the dogs would be held until she had a chance to contact the council and get back to them. However, despite not failing any health or temperament tests, a supervisor deemed the dogs a 'nuisance' and they were killed before Ms McCrea could come up with the money needed.

The biggest problem with holding people's pets until they pull together the money needed for any fines or charges their lost pet has incurred (aside from the obvious ethical implications of using a living, breathing creature as collateral – if you wouldn't do it to a child, you probably shouldn't be doing it to people's pets), is that often in the process of getting the dog or cat released, stuff goes wrong.

Either time runs out, or communication breaks down, or people simply make mistakes. The result is nearly always the same. A pet who has a family who wants it back, is killed. And we move further away from a humane animal management system.

When family pets entering the pound system, fail to make it out alive, we should view it

as the ultimate system failure. Loved and wanted family pets being 'sheltered' to death, is always a tragedy.

RIP to these doggies and sympathies to their families.

GLOUCESTER THE TIP OF THE ABUSE ICEBERG

13 July 2012

The Glouster Shire Council story has hit the major media, running on the Herald Sun website. And it has everyone asking - how could this happen? Surely those in animal management in Australia a first world country who loves its pets – would be treating our animals with compassion and care. Surely when our pets get lost, the people paid to take care of them for a time, would be treating them at least kindly until we can be reunited?



Image 25: Gloucester Shire Council animal management - shot animals at the tip. Source: Saving Pets

Unfortunately, too often this is simply not the case. In fact, for the majority of these pets, the first time they will have ever seen neglect and abuse – and certainly the first time their lives have been in serious danger – is when they enter our pound system.

Glouster Shire Council may have been driving live pets to the rubbish tip then shooting them, but they are certainly not alone in treating our pets badly. Across the country we see pounds killing pets immediately on intake, not giving owners a chance to claim them, and <u>killing the wrong pet</u>. Pounds killing pets before their holding period is up. Pounds <u>using gas chambers</u> to kill pets. Pounds <u>seizing senior pets</u> who have never caused a problem in their community. Pounds killing <u>nearly all the pets</u> they take in. Pounds <u>killing many more pets</u> than they rehome. Pounds <u>failing to reunite</u> pets and owners. Pounds offering <u>no rehoming program</u> whatsoever. Pounds killing pets in <u>traumatic manner</u>. Pounds <u>shooting and stabbing</u> pets to death. Overcrowded pounds <u>taking on even more council tenders</u>. Pounds <u>blaming the community</u> for their lack of performance. Pounds killing pets for <u>common and treatable</u> health problems, even when <u>rescue groups are willing to take them</u>. Pounds <u>killing and keeping it secret</u> from their community.

And while all this is happening, those who should be speaking out loudest for the pets – demanding that each of them are given the maximum chance of surviving the process of being impounded – are not only silent, but continue to excuse all of this away blaming <u>'overpopulation'</u>.

Nothing will ever change for pound pets, until the pounds change.

ADDITIONAL SAVING PETS BLOGS COMPILED ABOUT OTHER NSW COUNCIL POUND AND SHELTER TRAGEDIES THAT DIDN'T NEED TO HAPPEN ARE PROVIDED BELOW

RSPCA NSW:

1 <u>http://savingpets.thecanarystudio.com/2014/01/no-safety-for-kiki/index.html</u>

2 <u>http://savingpets.thecanarystudio.com/2013/02/not-so-precious-when-an-ear-infection-proves-fatal/index.html</u>

CAMPBELLTOWN:

1 <u>http://savingpets.thecanarystudio.com/2012/07/who-needs-rescue-when-killing-will-do/index.html</u>

2 <u>http://savingpets.thecanarystudio.com/2012/03/campbelltown-update-its-still-your-fault-we-kill/index.html</u>

3 <u>http://savingpets.thecanarystudio.com/2012/12/angel-vanilla-milly-freddie-cute-little-kittens-who-didnt-stand-a-chance/index.html</u>

TAREE:

<u>http://savingpets.thecanarystudio.com/2013/03/taree-cc-pound-gives-dog-one-hour-to-find-new-home/index.html</u>

BROKEN HILL:

1 <u>http://savingpets.thecanarystudio.com/2014/02/the-pound-who-destroyed-a-family-for-just-65/index.html</u>

2 <u>http://savingpets.thecanarystudio.com/2012/03/broken-hill-takes-failure-to-new-lows-with-an-80-kill-rate/index.html</u>

WELLINGTON:

<u>http://savingpets.thecanarystudio.com/2013/04/dead-dog-fault-of-irresponsible-public/index.html</u>

NAMBUCCA:

<u>http://savingpets.thecanarystudio.com/2014/02/nambucca-pound-kills-100-dogs-rather-than-allow-volunteers-to-photograph-them/index.html</u>

WHAT HAPPENS TO THEM MATTERS TO THEM

TOM REGAN

THE CASE FOR ANIMAL RIGHTS (1983)

SECTION SIX RECOMMENDATIONS



SECTION SIX

RECOMMENDATIONS

We recommend:

- 6.1 That as part of this Inquiry, Committee Members visit a number of NSW Council pounds including those referred to in Animal Liberation's submission or recommended by Animal Liberation to witness firsthand some of these facilities, and how they are managed and run;
- 6.2 That the Committee obtain and read the SINC Solutions report on Leeton Shire Council;
- 6.3 That the Committee review all questions and responses from the NSW Legislative Council Budget Estimates hearings (2020 onwards) put to the then Minister/s for Local Government and then Minister/s for Agriculture in relation to NSW Council pounds and shelters;
- 6.4 That the Committee review submissions lodged to the Companion Animals Taskforce Inquiry;
- 6.5 That the Committee make public the final report compiled by the Centre for International Economics, on 'Rehoming of Companion Animals in NSW';
- 6.6 That the Committee review all Memorandums of Understanding ('MOUs') between the NSW Office of Local Government ('NSW OLG') and other agencies and organisations such as the NSW State Ombudsman with a view to revise all such MOU's and levels of transparency and accountability;
- 6.7 That the Committee review submissions lodged to the 2021 Inquiry into the approved charitable organisations under the Prevention of Cruelty to Animals Act 1979 to review submissions related to the performance of RSPCA NSW, AWL NSW in respect to impounded animals, and rates of killing and adoption;
- 6.8 That the NSW Government introduce a fully funded, mandatory and legally enforceable NSW pound and shelter 'duty of care' regime which focuses on proactive life-saving initiatives and solutions, and best practice animal welfare outcomes, rather than offloading, killing and disposal;
- 6.9 An end to the currently unacceptable treatment and neglect of homeless and vulnerable impounded animals under NSW's traditional animal pound and shelter model, which manages animals under 'waste management' or 'feral pest management' policies, focusing on disposal rather than care, rehoming and adoption;
- 6.10 That the NSW Government immediately legislate to end all state pound and shelter shooting and discontinue all 'euthanasia' methods apart from intravenous injection for compassionate reasons;
- 6.11 An immediate end to all pound and shelter 'euthanasia' procedures being undertaken by anyone apart from qualified and licensed veterinary practitioners;
- 6.12 Publicly exhibit and call for public submissions for a four (4) week period for a tailored, stand-alone and revised Code of Practice for all impounded

- 6.12 animals of all species in NSW pounds and shelters;
- 6.13 That the NSW Government carry out comprehensive and independent audits of:
 - 6.13.1 all NSW impounding facilities to identify the level of compliance/non-compliance and;
 - 6.13.2 all NSW impounding practices, procedures, policies, and;
 - 6.13.3 actual 'no kill' performance.
- 6.14 Introduce mandatory Local Government Council Strategic Companion Animal Management Plans ('SCAMPs') with attached policies and KPI's to enable ongoing 4 yearly 'local' pubic consultation periods, reviews and improvements in line with evolving public expectations;
- 6.15 Enact a 'No Kill' Bill or sweeping changes to the *Prevention of Cruelty to Animals Act 1979* ('POCTAA') to include all impounded animals (of all species) and outlaw the killing of otherwise healthy homeless animals. These reforms must incorporate the full suite of No Kill programs and principles as mandatory, which, when combined, form a highly effective lifesaving plan;
- 6.16 Substantially overhaul the Companion Animals Act to include a revised focus on all impounded animals, regardless of species;
- 6.17 Establish a new OLG NSW Pound and Shelter Reform website, including an online complaint form and 1800 'hotline' tailored specifically for public pound and shelter complaints and concerns;
- 6.18 Enhance inspection and enforcement powers for agencies authorised under POCTAA to undertake routine NSW pound and shelter inspections and enforcement;
- 6.19 Conduct a comprehensive review and overhaul of the NSW Companion Animals Fund, including an assessment of evidenced outcomes and how it is distributed and managed;
- 6.20 A complete overhaul of the current annual data 'categories' collection and reporting of Council pound data to also include all shelters (both private and charities) to enable a complete state picture. To be published quarterly rather than annually and to be published independently as well by all Council pounds and shelters on their own websites;
- 6.21 Introduce quarterly data collection and public reporting of all rescue groups approved by NSW OLG to ensure full transparency with outcomes for all animals;
- 6.22 Introduce an annual grants program for NSW not-for-profits, including selffunded and volunteer rescue, rehoming and advocacy organisations (all species);
- 6.23 Review the make-up of the NSW Animal Welfare Advisory Council (AWAC) and NSW Responsible Pet Ownership Reference Group (RPO) to open up positions from other animal welfare organisations and members of the public;

- 6.24 Introduce NSW pound and shelter initiatives to support vulnerable or at-risk animal owners or caregivers during periods of intense need, in order to keep animals in homes and ensure the welfare and wellbeing of both humans and animals. This should include those experiencing:
 - 6.24.1 financial stress, homelessness or are at risk of homelessness;
 - 6.24.2 domestic violence;
 - 6.24.3 emergency management incidents (e.g., bushfires and floods) and;
 - 6.24.4 physical and mental health issues, including hospital stays or other medical needs.

NEVER DOUBT THAT A SMALL GROUP OF THOUGHTFUL, COMMITTED CITIZENS CAN CHANGE THE WORLD;

> INDEED, IT'S THE ONLY THING THAT EVER HAS

> > **MARGARET MEAD**



SUMMARY AND CONCLUSION

SECTION SEVEN

SECTION SEVEN

SUMMARY AND CONCLUSION

- 7.1 Animal Liberation's submission is not intended to imply all Council pounds, or shelters are failing, non-compliant or cruel environments for impounded animals, because not all are. Nor is our submission intended to be a name and shame dossier as this in itself would serve no purpose. Similarly, we are not suggesting that all Council rangers or compliance staff are negligent, because many care deeply about the animals in their care and go to extraordinary lengths to help impounded animals.
- 7.2 Throughout our submission, we have endeavoured to illustrate the NSW pound and shelter 'animal welfare' system which exists across NSW, and supports the unnecessary killing of our companion animals, and indeed other animals as well.
- 7.3 The facts however remain that many Council pounds are failing, are noncompliant and these same environments contribute to the suffering of impounded animals and are detrimental to their welfare and wellbeing. These environments, coupled with a lack of progressive policies and practices, is the essence of the festering issues with NSW's broken pound and shelter system.
- 7.4 Institutionalised cruelty can only be remedied by a massive shift in expectations, asserted by explicitly specifying new requirements, coupled with legislation to force those maintaining the status quo to change.
- 7.5 NSW pounds are some of the worst and most non-compliant in the country and this status is completely out of line with the expectations of pet lovers across the state, whom are some of the most sophisticated in the world. Whether it's a dog family enjoying a camping holiday, a city-living cat owning family, or pet-lovers bonding with a beer at a pet-friendly cafe – pets are a valued part of life in NSW. Our pound and shelter system does not however reflect our progressive views. We need to continue asking and challenging -why doesn't the NSW pound and shelter system value pets as individuals and family members, and why is the NSW State Government failing to take action?
- 7.6 It has been our experience that these festering issues often flow from the top down, starting with Council general managers, extending to elected councillors and senior council staff. It is a lack of leadership and a 'can do' will that is allowing the continued stagnation of these cultures, where the festering issues continue. Critically, there has also been an ongoing lack of interest and disregard of these issues by successive NSW state governments, and what we maintain is an animal welfare crisis in NSW pounds and shelters, that has 1) enabled this status and 2) exacerbated this status and animal welfare crisis. It's time for the NSW State Government to listen, engage and take urgent action.
- 7.7 The NSW State Government needs to acknowledge that in many instances the Council pounds under their oversight, are in breach of animal welfare standards, and most certainly, are failing to meet the expectations of the broad NSW public. Government can either explore and investigate these issues, all these issues, by placing all issues on the table with a view to devise meaningful solutions, or it can accept the status quo, and with that, its own culpability in this animal welfare crisis.

- 7.8 Throughout our submission, we have endeavoured to provide a level of history, and a snapshot of the current status, and the gaps in available information and data which we believe the Committee must have in order to seek accurate and evidenced based findings to devise suitable solutions and recommendations. The remedies and solutions are available with the genuine will of the Committee to reform through progressive and meaningful outcomes which will benefit all impounded animals, the broad NSW public and in turn will ensure the NSW State Government is adhering to its own animal welfare legislation, instruments, and public undertakings and commitments.
- 7.9 The only thing that can protect our pets, and all impounded animals, is making local Council pounds and shelters fully transparent and accountable to safeguard, treat and rehabilitate the animals they are being paid to care for. They need to see each and every pet as a valued being, who either needs to go home, or be found a home. We need to reject death as an acceptable outcome for pound and shelter animals.
- 7.10 As a wealthy, pet-loving nation, we should boast a world leading animal management system. We give more than a hundred million dollars a year to the major animal charities, because we want to see pets saved. We can solve these issues.
- 7.11 Council pounds and shelters must stop niggling over terminology, stop defending poor performance, stop trying to think up reasons to shut out rescue groups and move to the opposite end of the spectrum, by asking their local community to help them now.
- 7.12 Shelters are like every other public service. We wouldn't excuse a poorly performing hospital by saying 'people shouldn't get sick', nor should we explain away the poor performance of a pound, by saying pets shouldn't end up there. The community becoming more knowledgeable about their local council pound's operations has the potential to save more lives than any other advocate action.
- 7.13 As No Kill animal sheltering gains momentum across the globe and more people realise that successful overseas programs will work in Australia and in our own communities, it will become clear that pets have not been dying because of overpopulation or an 'irresponsible public'.
- 7.14 We thank Committee Members for reading and considering our submission, and we are happy to respond to any questions about our submission content.

NEVER DEPEND UPON INSTITUTIONS OR GOVERNMENT TO SOLVE ANY PROBLEM. ALL SOCIAL MOVEMENTS ARE FOUNDED BY, GUIDED BY, MOTIVATED AND SEEN THROUGH BY

THE PASSION OF INDIVIDUALS

MARGARET MEAD

SOURCES AND REFERENCE MATERIAL



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